IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.6100 OF 2000
IN
FIRST APPEAL NO.35304 OF 1999

The State of Maharashtra ..Applicant

V/s.

Tukaram Mahadu mali and ors. ..Respondents

Mr.A.R.Patil, AGP for the Applicant

CORAM : A.S.OKA, J.

DATE : JANUARY 19, 2007

P.C.

1. Heard learned A.G.P. for the State.

2. The impugned Judgment and Award is in the nature of a money decree. Hence, unconditional stay cannot be granted.

3. The execution and operation of the impugned Judgment and Award will remain stayed till the final disposal of the First Appeal subject to condition of the Applicant depositing the entire amount due and payable as per the impugned Award

with the Reference Court within a period of twelve weeks from today. If the deposit of entire amount is not made within stipulated period, the interim stay granted will stand forthwith vacated without further reference to the court.

4. If the amount as aforesaid is deposited, the Claimant/s will be permitted to withdraw the said amount subject to furnishing adequate security for the said amount to the satisfaction of the Reference Court. The Reference Court will hear the Applicant before accepting the security.

5. Civil Application is disposed of in above terms.

6. Liberty to the Respondents to apply for modification of this order as the same is passed without issuing notice of this Application.

(A.S.OKA, J.)